

**REMARKS/ARGUMENTS**

Favorable consideration of this application is respectfully requested. Applicant has amended claims 21 and 25. Claims 1-20 and 27-30 have been canceled in response to a restriction requirement that has been made final. Favorable reconsideration of this application is, consequently, earnestly solicited in view of the following remarks.

**Double Patenting Rejection:**

Claims 21-26 were rejected under the judicially created doctrine of double patenting over claims of U.S. Patent No. 6,679,025 issued to Cornell et al. The present application is a divisional application of the '025 patent, and was filed in response to a restriction requirement in that original application. Under 35 U.S.C. §121, a divisional application filed in response to a restriction requirement cannot be rejected for double patenting over the original application.

The subject application was filed involuntarily, it was filed in response to the Examiner's restriction requirement in the original application. Furthermore, the claims in the present divisional application are consonant with the restriction requirement in the original application. In support of consonance, the divisional application filing documents requested cancellation of claim 1-17, the claims elected in the original application. For these reasons, applicant believes that the claims pending in the present divisional application could not have been presented during prosecution of the original application. Thus, removal of the double patenting rejection is respectfully requested.

Amendment to the Specification

Applicant has amended the specification to identify the present application as a divisional application of co-pending U.S. Patent Application No. 10/010,242 filed on December 7, 2001, now U.S. Patent No. 6,679,025 issued on January 20, 2004.

Claim Rejections - 35 U.S.C. 102(b)

Claims 21, 22 and 24-26 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,450,695 issued to Desai. It is interesting to note that Examiner believes that the claims in the present divisional application claim the same subject matter as the original application (6,679,025 patent), yet the cited Desai patent was not even cited in the original application.

Examiner alleges that Desai discloses a method of building a tower which includes a nip assembly (crown block 34 shown in Fig. 14) attached to the top of the platform and that both are simultaneously raised to build the tower. The tower disclosed in Desai is a telescoping derrick that is constructed bottom up. Construction of the bottom section (Fig. 3A) is described in col. 3, line 65 through col. 4, line 55. One side of the bottom section (40a) is left open and capable of receiving axially therethrough an upper section for telescopic raising. Each next section is positioned within the bottom section (Fig. 5, 7) and then telescopically raised (Fig. 8). Herein lies a major difference between Desai and the present application. As previously pointed out, Desai is a bottom up process while the present application describes a top down process.

Desai describes the telescopic means shown in Figs. 13 and 14 that is used to assemble the derrick. The telescopic member includes line 56 which is attached to the

crown section 34. Each intermediate section has support members 66. As shown clearly in Fig. 14, the intermediate section is drawn up through the bottom section. In other words, the construction is bottom up.

Unlike Desai, the present application describes a blown film tower used for blown film processing (as clearly recited in the preamble) not a derrick. In regard to raising the tower, a nip component used in the blown film process is first raised above the floor as shown in Fig. 4. Then the top platform deck 190 is assembled on the floor 14, then the nip 25 is lowered onto and attached to, the top platform deck 190 (page 8, lines 1-11). Then the first platform 100 (top platform deck 190) is raised as shown in Fig. 5, and a second platform 290 is constructed. As shown in Fig. 5, the first platform 100 is lowered and attached to the second platform 200 (Fig. 6, page 8, lines 12-20).

Claim 21 has been amended to clarify that the blown film tower is assembled in a building and is used for blown film processing within the building and has further been amended to clarify that the simultaneous raising is not accomplished using telescoping supports. For the reasons provided, Applicant believes that amended claim 21 is allowable over Desai and requests removal of the 102(b) rejection.

In regard to claim 22, the rails claimed are hand rails which are clearly shown as hand rails located along the periphery of the platform for use by individuals working on the platform. In the rejection of claim 22, Examiner alleges that Desai includes cross rails, not hand rails, adjacent to 28 and 30. As shown in Fig. 8 of Desai, 28 and 30 are the bottom section and the top section, respectively. The only rails shown adjacent to 28 and 30 are cross rails 42 and 44 (Fig. 1) which provide support for the section. Since the rails

in Desai are not hand rails as claimed in original claim 22, applicant requests removal of the rejection.

In regard to claim 24, Examiner alleges that that Desai uses support columns (vertical members) 66 as shown in Fig. 2. The vertical support columns are a part of each section that, when connected together, form the derrick structure. Individual platforms are not provided for each next section. The present application provides support columns for supporting a deck of the platform. Claim 24 has been amended to recite that the support columns support the deck of the platform. For this reason, and the reasons provided in regard to claim 21, Applicant believes that amended claim 24 is allowable under 102(b) and requests removal of the rejection.

In regard to claim 25, claim 25 has been amended to clarify that the tower is assembled in an existing building for use in blown film processing and that the nip assembly is used in blown film processing. Desai discloses a telescopic derrick assembled at an oil drilling site outside in the environment. Claim 25 has been further amended to clarify that the blown film tower is assembled without the use of telescopic support members as required in Desai. For this reason, and the reasons provided in regard to claim 21, Applicant believes that amended claim 25 is allowable under 102(b), and requests removal of the rejection.

Claim 21 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,974,760 issued to Woolslayer et al. (Woolslayer). Woolslayer, like Desai, is directed toward assembly of a derrick, outside, for use in extracting oil from the ground and the derrick is assembled bottom up. Woolslayer however does not use telescoping supports for raising each next section of the derrick. Instead, Woolslayer builds from the

bottom up by attaching each next section to the previous lower section, another form of bottom up assembly.

Applicant has amended independent claim 21 to clarify that the tower is assembled in a building for use in blown film processing. A nip is a component used in blown film processing and is not used in conjunction with a derrick. Both Woolslayer and Desai require a bottom section to be assembled first, and raising the next section for attachment to the previously assembled bottom section using a helicopter or telescopic supports to accomplish the lifting.

In the present application, the bottom platform is not constructed first. Instead, it is constructed last in a top down assembly. For the reasons provided, Applicant believes that amended claim 21 is allowable over Woolslayer and respectfully requests removal of the 102(b) rejection.

In regard to claim 22, Examiner alleges that Woolslayer discloses rails as claimed in claim 22. However, claim 22 clearly recites hand rails. The cross rails shown in Fig. 3 adjacent to 4 are angular supports similar to the angular supports disclosed in Desai. Since Woolslayer does not disclose hand rails as shown and described in the present application, Applicant requests removal of the rejection.

In regard to claim 24, Examiner alleges that Woolslayer discloses support columns. However, claim 24 depends from amended claim 21 which for the reasons provided above Applicant believes is allowable. Thus, applicant believes that amended claim 24 is allowable and requests removal of the rejection.

Claim Rejections - 35 U.S.C. 103(a)

Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Desai. Examiner alleges that although Desai does not disclose stairs, but discloses a ladder, that it would have been obvious to modify Desai to include stairs to improve safety.

Unlike the present application Desai does not have platforms at different levels for use by individuals on that level. Therefore, the allegation that Desai could be modified to use stairs in place of a ladder is insufficient. Desai does not teach, suggest or even hint at replacing the ladder with stairs. The derrick in Desai is a structure, not work platforms.

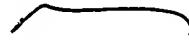
The mere fact that someone in the art can rearrange parts of a reference device to meet the terms of a claim is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for someone of ordinary skill in the art, without the benefit of the inventor's specification to make the necessary changes in the reference device.

Applicant contends the references cannot be modified to incorporate the features of subject claim 23 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination. For these reasons, Applicant believes that claim 23 is allowable over Desai and requests removal of the rejection.

In view of the foregoing considerations, it is respectfully urged that claims 21-26 be allowed. Such action is respectfully requested. If the Examiner believes that an

interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;

  
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